

DATE

David K. North, Jr., P.E.  
Office of Operations – District 4  
La. Dept. of Transportation and Development  
3339 Industrial Drive  
Bossier City, Louisiana 71112-2414

Re: **Docket No. 2022-028**  
**Disqualification Plan**

Dear Mr. North,

The Louisiana Board of Ethics, at its meeting on March 4, 2022, considered your request for the approval of a disqualification plan under the provisions of the Code of Governmental Ethics (“Code”) concerning two employees of the Louisiana Department of Transportation and Development (“DOTD”), Office of Operations, District 4.

#### **FACTS PROVIDED**

In a prior advisory opinion in Docket No. 2021-773, the Board concluded that William Whatley would not be prohibited from being hired as the District 4 Parish Highway Maintenance Supervisor while his wife, Lori Whatley, was employed as Administrative Coordinator 4 for District 4.

#### **DISQUALIFICATION PLAN**

You have proposed that William Whatley shall be disqualified from participating in any employment decisions concerning his wife, Lori Whatley. Any employment issues in which Lori Whatley may have a substantial economic interest will be handled by John Fontenot, Engineering Technician 7 Maintenance Specialist. Mr. Fontenot is William Whatley’s supervisor.

#### **LAW**

La. R.S. 42:1112B(1) provides that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, his immediate family member has a substantial economic interest.

La. R.S. 42:1112C allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code. The Board adopted rules in Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics that sets forth the reporting requirements for the disqualification plan.

## CONCLUSION

The Board concluded, and instructed me to inform you, that the proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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David M. Bordelon  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.